

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

UNITED STATES OF AMERICA : Case No. 1:18-CR-25
: Defendant #5
v. :
: :
ANDREA NICOLE STICKEL : :

**NOTICE OF POTENTIAL UPWARD DEPARTURE UNDER U.S.S.G. § 3B1.1, NOTE 2
(MANAGEMENT OF PROPERTY, ASSETS, OR ACTIVITIES)**

Defendant recently filed a motion for downward departure. She also previously objected to her +2-point enhancement as an organizer, leader, manager, or supervisor under U.S.S.G. § 3B1.1(c). The probation office stood by the enhancement, and the Government intends to argue in favor of its conclusion.

But, should the Court disagree, the Government hereby gives notice that the same facts underpinning the § 3B1.1(c) enhancement may, alternatively, support an upward departure under note 2 of § 3B1.1, for those with management responsibility over property, assets, or activities of a criminal enterprise. *See United States v. Kellam*, 568 F.3d 125, 147 (4th Cir. 2009).

Respectfully submitted,

THOMAS T. CULLEN
United States Attorney

/s/ S. Cagle Juhani
District of Columbia Bar No: 1022935
Assistant United States Attorney
U.S. Attorney's Office
180 West Main Street, Suite B19
Abingdon, Virginia 24210
276-628-4161
276-628-7399 (fax)
E-Mail:USAVAW.ECFAbingdon@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2019, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel for defendant.

s/ S. Cagle Juhan
Assistant United States Attorney